

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB 25 PM '08  
08 MJ 05596

UNITED STATES OF AMERICA,

Magistrate Docket No. CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff,

COMPLAINT FOR VIOLATION OF:

DEPUTY

v.

Title 8, U.S.C., Section 1326

Hector SANTIAGO-Hernandez,

Attempted Entry After

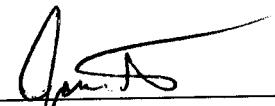
Deportation

Defendant

The undersigned complainant, being duly sworn, states:

On or about **February 22, 2008** within the Southern District of California, defendant, **Hector SANTIAGO-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

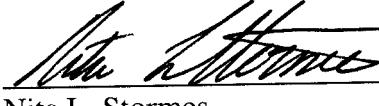
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.




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 SIGNATURE OF COMPLAINANT  
 James Trombley  
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25<sup>th</sup> DAY OF **FEBRUARY**  
**2008.**




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 Nita L. Stormes  
 UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Hector SANTIAGO-Hernandez**

**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On February 22, 2008, at approximately 7:00 a.m., the United States Navy encountered an individual, later identified as the defendant **Hector SANTIAGO-Hernandez**, out at sea approximately one mile west of Point Loma, California. The United States Navy then turned the defendant over to the United States Coast Guard. The Coast Guard took the defendant to U.C.S.D. Hospital for hypothermia treatment. The defendant stated to the Coast Guard that he had entered the United States illegally by swimming north on a surfboard across the United States/Mexico International Boundary on February 21, 2008 at approximately 6:00 p.m. and got lost. The Coast Guard contacted the Imperial Beach Border Patrol Station, and informed the station that the defendant stated he was an illegal alien and needed to be further evaluated by the Border Patrol. At the U.C.S.D. hospital, Border Patrol Agent C. Armenta identified himself as a United States Border Patrol Agent, and questioned the defendant as to his citizenship. The defendant admitted to being a citizen and national of Mexico and did not possess the proper documents to enter or remain in the United States legally. The defendant was placed under arrest and transported to the Imperial Beach Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **February 6, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

Executed on **February 23, 2008** at **10:00 a.m.**

  
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Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 21, 2008**, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Nita L. Stormes  
United States Magistrate Judge

  
\_\_\_\_\_  
Date/Time